

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

October 31, 2001

IN RE:)	
)	
PETITION OF ON-SITE SYSTEMS, INC.)	DOCKET NO.
TO AMEND ITS CERTIFICATE OF)	01-00756
CONVENIENCE AND NECESSITY)	

**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on September 25, 2001, to consider the Petition (the "Petition") of On-Site Systems, Inc. ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include an area known as Lyles Texaco in Hickman County, Tennessee.

Legal Standard for Granting CCN

On-Site's Petition was made pursuant to and was considered in light of the criteria for granting a CCN as set forth in Tenn. Code Ann. § 65-4-201, which provides, in pertinent part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

Background

On April 4, 1994, On-Site received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide wastewater service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee.

Petition to Amend CCN

On August 29, 2001, On-Site filed its Petition to amend its CCN to expand its service area to include Lyles Texaco in Hickman County. A map showing the area to which On-Site proposes to extend service is attached to its Petition. In its Petition, On-Site states that the property for this commercial development will serve a gas station that has food service. On-Site further states that neither the Bon Aqua-Lyles Utility District, which is the water supplier for this area, nor Hickman County has the desire or ability to provide wastewater service to Lyles Texaco. With its Petition, On-Site submitted a letter dated August 2, 2001 from James R. Jenkins, Manager of the Bon Aqua-Lyles Utility District stating that the District has no plans to provide wastewater service to the area. In addition, On-Site submitted a letter dated June 25, 2001 from Hickman County Executive Steve Gregory stating that Hickman County does not provide wastewater service to the area.

On-Site filed commercial rate schedules in this docket which comport with the rate adjustment for commercial customers approved by the Authority in Docket No. 00-01128.¹

On September 25, 2001, On-Site's Petition came before the Authority at a regularly scheduled Authority Conference. Upon consideration of the Petition and the entire record, the Authority finds that the present and future public convenience and necessity require the approval


¹ See *Order Approving Amendment of On-Site Systems, Inc.'s Certificate of Public Convenience and Necessity, Franchise, and Commercial Rate Adjustment*, Docket No. 00-01128 (October 23, 2001).

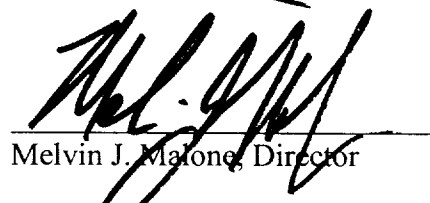
of On-Site's Petition. Pursuant to Tenn. Code Ann. § 65-4-201, the Authority grants On-Site's Petition.

IT IS THEREFORE ORDERED THAT:


1. The Petition of On-Site Systems, Inc. to amend its Certificate of Public Convenience and Necessity to expand its service area to include an area known as Lyles Texaco in Hickman County, as shown in the map attached to the Petition, is approved;
2. On-Site's rates for wastewater service to Lyles Texaco shall be as listed in the rate schedules filed with On-Site's Petition and as set forth in this Order; and
3. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary